



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Maple Construction Co., Inc.

**File:** B-258873

**Date:** November 8, 1994

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### DECISION

Maple Construction Co., Inc. protests the award of contract No. N62477-93-C-0100 to Lyndale Construction Co., Inc. by the Department of the Navy.

The protest, as filed with our Office, does not establish a basis for challenging the agency's action and, accordingly, must be dismissed.

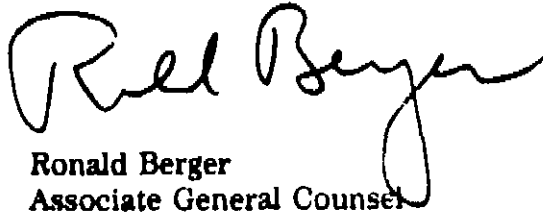
Maple Construction protests that the Navy improperly allowed Lyndale to correct an alleged mistake in its bid. Maple Construction complains that both the correction of bids after bid opening and the magnitude of the correction here are inappropriate.

Our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of a protest, 4 C.F.R. § 21.1(c)(4), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Robert Wall Edge-Request for Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335.

The protester has not done that here. The Federal Acquisition Regulation (FAR) provides that an agency may permit the upward correction of a low bid when there is clear and convincing evidence of a mistake and of the bid amount actually intended. FAR § 14.406-3. Workpapers may constitute clear and convincing evidence of the existence of a mistake and the intended bid. Ogden Allied Eastern States Maintenance, B-239550, Aug. 28, 1990, 90-2 CPD ¶ 166. Whether they do so in any given case is for the factual determination of the contracting agency, to which we will not object unless there is no reasonable basis for the agency's decision. Here, the protester has provided no basis for challenging the alleged correction except as stated above. The correction process, however, is provided for

by applicable regulations, and that process encompasses corrections of the magnitude involved here. Accordingly, the protester's challenge to the bid correction procedures used by the agency clearly provides no basis for sustaining the protest.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "Ronald Berger". The signature is fluid and cursive, with the first name "Ronald" and last name "Berger" clearly distinguishable.

Ronald Berger  
Associate General Counsel